THE HON'BLE MR JUSTICE S.ANANDA REDDY

Writ Petition No.18210 of 2005

18-08-2005

Between:

1.Chintareddy Madhusudhan Reddy Educational Society and another

... PETITONERS

AND

1.All India Council for Technical Education and another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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Writ Petition No.18210 of 2005

ORDER:

This writ petition is filed aggrieved by the impugned order, under which, the claim of the petitioners for grant of permission to start a Bio-Technology Course in the second petitioner-Engineering College was rejected.

According to the first petitioner-Society, it has an established laboratory to fulfill the requirements for conducting a Bio-Technology Course. Therefore, it made its application seeking permission of the first respondent. But, the first respondent, without properly appreciating its claim, rejected the claim under the impugned order. It is stated that though under the scheme an opportunity of hearing is required to be provided by the Council before passing an order of rejection, the Council failed to comply with the same. Therefore, on that ground also, the impugned order is liable to be set aside. It is also stated that against the rejection order of the first respondent, an appeal has been filed on 12.08.2005 before the appellate authority as provided under the scheme and is pending. Therefore, the appellate authority may be directed to dispose of the appeal expeditiously so as to enable the second petitioner-Engineering College to start the course for the present academic year, as according to the petitioners, the present academic year is yet to commence.

The learned Standing Counsel appearing for the respondents, however, sought to sustain the order contending that as per the policy of the Council made in 2005 a request of an Educational Institution for sanction of Bio-Technology Course cannot be

considered, unless the said Institution has a well established department offering Chemical Engg., / Agricultural Engg., / Food Tech., / Bio Medical Engg., / Environment Engg., / Sugar Tech., / Leather Tech., / Pulp & Paper Tech., / Textile Tech., (Engg.,) / Materials Science & Technology. As the petitioners do not possess any of the above Courses, the second petitioner-Institution is not entitled to grant the permission and accordingly the rejection order was passed.

With reference to giving opportunity to the petitioners before passing the impugned order, the learned Standing Counsel contended that if there is any deficiency to be complied with, then only an opportunity of being heard would be provided but not otherwise, especially in the present circumstances even if an opportunity of hearing is provided, the same would not make any difference. Therefore, there is no justification in claiming a right of hearing before passing the impugned order.

Insofar as the appeal filed by the petitioner, the learned Standing Counsel represented that the appeal may be directed to be disposed of expeditiously.

Heard both sides and considered the material on record.

In view of the appeal already filed by the petitioner on 12.08.2005, without going into the merits of the contentions advanced, it would be appropriate to direct the appellate authority to dispose of the appeal filed by the petitioners expeditiously, preferably within a period of two weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

18.08.2005

Note: Issue CC in three days.

(b/o)

VGB